IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

WP(C).No. 14860 of 2006(R)

PETITIONER:

DR.K.S.MOHAN, ASSISTANT PROFESSOR OF PSYCHIATRY, MEDICAL COLLEGE, KOZHIKODE.

BY ADV. SRI.N.JAMES KOSHY
SRI.T.SANJAY
SRI.THOMAS JACOB (THIRUVALLA)

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT OF KERALA, HEALTH AND FAMILY WELFARE (S) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE DIRECTOR OF MEDICAL EDUCATION, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.**
3. **THE PRINCIPAL, MEDICAL COLLEGE, KOZHIKODE.**
4. **DR.V.SATHEESH, ASSISTANT PROFESSOR OF PSYCHIATRY, MEDICAL COLLEGE, KOTTAYAM.**

ADDITIONAL RESPONDENTS

5. **A.ASHRAF ALI, S/O E.ABDUL VAHID GOVERNMENT SERVANT NOW WORKING AS ASSITANT PROFESSOR, MEDICAL COLLEGE, THIRUVANANTHAPURAM AND RESIDING AT RAIYAN, 88, CHAITHANYA GARDENS IRUMARATHU LANE, MANNAMOOLA, PERRORKADA THIRUVANANTHAPURAM**

Impleaded vide order dated 13-10-2006 in I.A.NO.14222/06

6. **DR.C.GEETHA, W/O P.S.SUKUMARAN ASSISTANT PROFESSOR, DEPT. OF PSYCHIATRY MEDICAL COLLEGE, KOZHIKODE**

Impleaded vide order dated 09-03-2007 in I.A.NO.3585/07

BY ADV. SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.
SRI.M.RAJASEKHARAN NAYAR
SRI.JOHN.K.JOSEPH
SMT.MANJUSHA MOHANDAS
GOVT.PLEADER SRI.T.T.MUHAMMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**A TRUE PHOTOCOPY OF THE ORDER ISSUED BY R1 DTD. 21-2-98**
EXT.P2	**A TRUE PHOTOCOPY OF THE GOVT. ORDER AND ITS ANNEXURE DATED 16-6-2000**
EXT.P3	**A TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 1-7-2000**
EXT.P4	**TRUE PHOTOCOPY OF THE JUDGMENT IN O.P.NO.23901/01**
EXT.P5	**TRUE PHOTOCOPY OF THE ORDER ISSUED BY R1 DTD. 5-10-01**
EXT.P6	**A TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DTD. 17-09-04**
EXT.P7	**TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER ON 25-10-04**
EXT.P8	**A TRUE PHOTOCOPY OF THE NOTIFICATION DTD. 7-9-99**
EXT.P9	**A TRUE PHOTOCOPY OF THE JUDGMENT IN W.P.C.NO.14848/05**
EXT.P10	**A TRUE PHOTOCOPY OF THE GOVT. ORDER DTD. 02-02-2006**
EXT.P11	**A TRUE PHOTOCOPY OF THE GOVT. ORDER DATED 5-5-06**

6TH RESPONDENT'S EXHIBITS

EXT.R6(A)	**A TRUE COPY OF THE JUDGMENT IN W.P.C.NO.3106/07**
EXT.R6(B)	**TRUE COPY OF THE COMMUNICAITON DTD. 26-2-07**
EXT.R6(C)	**TRUE COPY OF THE DISCHARGE SUMMARY ISSUED FROM BABY MEMORIAN HOSPITAL.**
EXT.R6(D)	**A TRUE COPY OF THE RADIATION TREATMENT SUMMARY ISSUED FROM AMRITA INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE**
EXT.R6(E)	**A TRUE COPY OF THE REPRESENTATION DTD. 2-2-06 ADDRESSED TO THE CONVENOR**
EXT.R6(F)	**TRUE COPY OF THE REPRESENTATION DTD. 12-2-07 ADDRESSED TO THE DIRECTOR OF MEDICAL EDUCATION.**

/True Copy/

PA to Judge.

A.K.BASHEER,J

W.P.C.No.14860 OF 2006

Dated this the 15th day of March, 2007.

JUDGMENT

In view of the intervening developments, this writ petition has become infructuous, so submits the learned counsel for the petitioner.

2. It is brought to my notice that on January 23, 2007, the Health & Family Welfare (S) Department under the Government of Kerala has issued an order which reads thus:

> " Dr.K.S.Mohan, Assistant Professor of Psychiatry, Medical College, Kozhikode is granted Career Advancement Promotion as Associate Professor in the scale of pay of Rs. 14300-19250 w.e.f. 25-07-2003 FN vide para IV(b) of Annexure to the Government Order read as 1st paper above".

3. Learned counsel submits that petitioner does not intend to pursue the writ petition any further in view of the above order. Accordingly, the writ petition is closed as infructuous.

4. Learned counsel for the additional 6th respondent submits that respondent No.6 who was the second senior most in the department had been caught in the cross fire and she had been denied promotion to the post because of the interim order

passed in this writ petition. The above aspect has been made clear by the Government in its communication dated February 26, 2007, a copy of which has been produced as Ext.R5(b)(sic R6(b)).

Any how, since the above hurdle is no more in the way of respondent No.6 for being considered for promotion in view of the disposal of the writ petition as indicated above, I find no reason why the claim of the 6th respondent for promotion shall not be considered. Therefore, appropriate steps shall be taken by the authority concerned to ensure that the case of the 6th respondent for promotion is considered and appropriate orders are passed in accordance with law, as expeditiously as possible and at any rate, within one month from the date of receipt of a copy of this judgment, if there is no other legal impediment.

(A.K.BASHEER, JUDGE)

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